

INCOME TAX CODE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends income tax provisions by enacting a state earned income tax credit.

Highlighted Provisions:

This bill:

- defines terms;
- enacts a refundable state earned income tax credit for certain individuals who are experiencing intergenerational poverty;
- requires the Department of Workforce Services to notify individuals who are experiencing intergenerational poverty of the state earned income tax credit and to provide certain information about those individuals to the State Tax Commission;
- provides for apportionment of the tax credit;
- addresses the time period for the State Tax Commission to issue a refund of the state earned income tax credit;
- addresses the State Tax Commission's use of the report provided by the Department of Workforce Services; and
- requires transfers from the General Fund to reimburse the Education Fund for the amount of the tax credit claimed.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

59-10-529.1, as enacted by Laws of Utah 2015, Chapter 369

ENACTS:

35A-9-214, Utah Code Annotated 1953

59-10-1102.1, Utah Code Annotated 1953

33 **59-10-1112**, Utah Code Annotated 1953

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35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **35A-9-214** is enacted to read:

37 **35A-9-214. Tax credit notification -- Intergenerational poverty report to tax**
38 **commission.**

39 (1) As used in this section, "commission" means the State Tax Commission.

40 (2) (a) On or before January 31, the department shall provide notice of the tax credit
41 available under Section 59-10-1112 to an individual who the department identifies as
42 experiencing intergenerational poverty due to:

43 (i) the individual's receipt of public assistance during the previous calendar year;

44 (ii) the individual's receipt of public assistance for not less than 12 months since the
45 individual reached age 18; and

46 (iii) the individual's or the individual's family's receipt of public assistance for not less
47 than 12 months during the individual's childhood.

48 (b) The notice described in Subsection (2)(a) shall explain the eligibility requirements
49 and the method for claiming a tax credit under Section 59-10-1112.

50 (3) (a) On or before March 1, the department shall provide the commission with an
51 electronic report stating, for each individual to whom the department sent the notice described
52 in Subsection (2):

53 (i) the name of the individual; and

54 (ii) the social security number of the individual.

55 (b) The department and the commission shall provide for the security and
56 confidentiality of the information contained in the electronic report.

57 Section 2. Section **59-10-529.1** is amended to read:

58 **59-10-529.1. Time period for commission to issue a refund.**

59 (1) Except as provided in Subsection (2), the commission may not issue a refund
60 before March 1.

61 (2) The commission may issue a refund before March 1 if, before March 1, the
62 commission determines that:

63 (a) (i) an employer has filed the one or more forms in accordance with Subsection

59-10-406(8) the employer is required to file with respect to an individual; and

(ii) for a refund of a tax credit described in Section 59-10-1112, the Department of Workforce Services has submitted the electronic report required by Section 35A-9-214; and

(b) the individual has filed a return in accordance with this chapter.

Section 3. Section **59-10-1102.1** is enacted to read:

59-10-1102.1. Apportionment of tax credit.

A nonresident individual or a part-year resident individual who claims the tax credit described in Section 59-10-1112 may only claim an apportioned amount of the tax credit equal to the product of:

(1) the state income tax percentage for a nonresident individual or the state income tax percentage for a part-year resident individual; and

(2) the amount of the tax credit that the nonresident individual or the part-year resident individual would have been allowed to claim but for the apportionment requirement of this section.

Section 4. Section **59-10-1112** is enacted to read:

59-10-1112. Refundable state earned income tax credit -- Definition -- Tax credit calculation -- Transfers from General Fund.

(1) As used in this section:

(a) "Department" means the Department of Workforce Services created in Section 35A-1-103.

(b) "Federal earned income tax credit" means the federal earned income tax credit described in Section 32, Internal Revenue Code.

(c) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.

(d) "Qualifying claimant" means a resident or nonresident individual who:

(i) is identified by the department as experiencing intergenerational poverty; and

(ii) claimed the federal earned income tax credit for the previous taxable year.

(2) Except as provided in Section 59-10-1102.1, a qualifying claimant may claim a refundable earned income tax credit equal to 10% of the amount of the federal earned income tax credit that the qualifying claimant was entitled to claim on a federal income tax return in the previous taxable year.

95 (3) (a) The commission shall use the electronic report described in Section 35A-9-214
96 to verify that a qualifying claimant is identified as experiencing intergenerational poverty.

97 (b) The commission may not use the electronic report described in Section 35A-9-214
98 for any other purpose.

99 (4) (a) The Division of Finance shall transfer at least annually from the General Fund
100 into the Education Fund an amount equal to the amount of tax credit claimed under this
101 section.

102 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
103 commission may make rules for making the transfer described in Subsection (4)(a).

104 Section 5. **Retrospective operation.**

105 This bill has retrospective operation for a taxable year beginning on or after January 1,
106 2019.